

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JOSHUA BLAND,

Plaintiff,

v.

THE PEOPLE OF THE STATE OF
CALIFORNIA, *et al.*,

Defendants.

No. 1:20-cv-00637-NONE-BAM (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS, RECOMMENDING
DENIAL OF PLAINTIFF'S MOTION TO
PROCEED *IN FORMA PAUPERIS*

(Doc. Nos. 2, 6)

TWENTY-ONE (21) DAY DEADLINE

Plaintiff Joshua Bland is a state prisoner proceeding *pro se* in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff initiated this action on May 5, 2020. (Doc. No. 1.)

On May 8, 2020, the assigned magistrate judge issued findings and recommendations, recommending that, because plaintiff had suffered three prior strike dismissals and was not in imminent danger at the time he filed his complaint in this action, his application to proceed *in forma pauperis* be denied and that plaintiff be required to pay the \$400.00 filing fee in full to proceed with this action. (Doc. No. 6) (citing 28 U.S.C. § 1915(g)). Those findings and recommendations were served on plaintiff and contained notice that any objections thereto were to be filed within fourteen (14) days after service. (*Id.* at 2.) On June 4, 2020, following the granting of an extension of time to do so, plaintiff timely filed his objections to the findings and recommendations. (Doc. No. 9.)

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1 Plaintiff appears to object to the findings and recommendations based on his contention
2 that the State of California and the Fresno County Superior Court violated his rights under the
3 Fourteenth Amendment. (*See generally* Doc. No. 9 at 1–4.) This objection is unfounded because
4 it provides no basis upon which to question the application of the three strikes bar under 28
5 U.S.C. § 1915(g). Plaintiff also appears to object on the grounds that he should not be forced to
6 pay the court filings fees where the United States Constitution, and the laws and statutes made
7 thereunder, do not apply to him. (*See id.* at 6.) Plaintiff’s objection in this regard lacks merit
8 because the law applies to him, just as it applies to every other litigant who comes before this
9 court.

10 In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(C), this court has conducted a
11 *de novo* review of the case. Having carefully reviewed the entire file, including plaintiff’s
12 objections, the court concludes that the magistrate judge’s findings and recommendations are
13 supported by the record and proper analysis.

14 Accordingly, IT IS HEREBY ORDERED that:

- 15 1. The findings and recommendations issued on May 8, 2020 (Doc. No. 6), are
16 adopted in full;
- 17 2. In accordance with 28 U.S.C. § 1915(g), plaintiff’s application to proceed *in forma*
18 *pauperis* (Doc. No. 2) is denied; and
- 19 3. Within **twenty-one (21) days** following the date of service of this order, plaintiff
20 shall pay the \$400.00 filing fee in full to proceed with this action. If plaintiff fails
21 to pay the filing fee within the specified time, this action will be dismissed without
22 further notice.

23 IT IS SO ORDERED.

24 Dated: **August 6, 2020**

25 
UNITED STATES DISTRICT JUDGE